

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA EX REL, :
JENNIFER L. TEITELBAUM, :
 : **CIVIL ACTION NO. 04-12450-MEL**
Plaintiff, :
 :
-against- :
 :
ALASKA AIRLINES, INC., AMERICAN AIRLINES, :
INC., CONTINENTAL AIRLINES, INC., CHINA :
EASTERN AIRLINES CORPORATION LIMITED, :
CHINA SOUTHERN AIRLINES CORPORATION, :
DEUTSCHE LUFTHANSA, A.G., D/B/A :
LUFTHANSA AIRLINES, BRITISH AIRWAYS, :
PLC, D/B/A BRITISH AIRWAYS, ALITALIA- :
LINEE AEREE ITALIAN S.P.A., D/B/A ALITALIA :
AIRLINES, SOUTHWEST AIRLINES CO., D/B/A :
SOUTHWEST AIRLINES, VIRGIN ATLANTIC :
AIRWAYS, AER LINGUS, AIR FRANCE, AIR :
JAMAICA, HAWAIIAN AIRLINES, IBERIA :
LINEAS AERGAS DE ESPAN, SA, D/B/A IBERIA :
AIRLINES, JAPAN AIRLINES COMPANY, LTD, :
D/B/A JAPAN AIRLINES, KLM ROYAL DUTCH :
AIRLINES, QUANTAS EMPIRE AIRWAYS, LTD., :
D/B/A QUANTAS AIRWAYS, SINGAPORE :
AIRLINES, AIR TRAN AIRWAYS, SA, ATA :
AIRLINES, INC., AND JETBLUE AIRWAYS :
CORP., :
Defendants. :
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**ANSWER OF CHINA EASTERN AIRLINES COMPANY LTD.
TO PLAINTIFF-RELATOR'S AMENDED COMPLAINT**

Defendant China Eastern Airlines Company, Ltd. ("CHINA EASTERN"), by its attorneys Campbell, Campbell & Edwards & Conroy, P.C. and Condon & Forsyth LLP, answers plaintiff's Amended Complaint ("Complaint") as follows:

1. To the extent that a response is required, denies the allegations in paragraph 1 and leaves all questions of law for the Court.

2. Denies the allegations in paragraph 2.

3. Denies the allegations in paragraph 3.

4. Denies the allegations in paragraph 4.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 to the extent that any response is required to plaintiff's "definitions."

6-8. Admits paragraphs 6-8 only so far as they pertain to fees which actually apply to CHINA EASTERN and that are actually collected by CHINA EASTERN and denies all other allegations contained therein.

9. Denies the allegations in paragraph 9 and leaves all questions of law to the Court.

10. Denies the allegations in paragraph 10 and leaves all questions of law to the Court.

11. Denies the allegations in paragraph 11 and leaves all questions of law to the Court.

12. Denies the allegations in paragraph 12 and leaves all questions of law to the Court.

13-17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 13-17.

18. Admits that CHINA EASTERN is a corporation organized in China with its executive offices located at 2550 Hoqqiao Road, Shanghai, China, but denies that the remainder of paragraph 18.

19-36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 19-36.

37-38. To the extent a response is required to plaintiff's quoting of federal statutes, admits the allegations in paragraph 37-38.

39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 39.

40-61. Denies the allegations in paragraphs 40-61.

**AS AND FOR A FIRST
AFFIRMATIVE DEFENSE**

62. The Complaint fails to state a claim against CHINA EASTERN upon which relief can be granted.

**AS AND FOR A SECOND
AFFIRMATIVE DEFENSE**

63. The Court lacks personal jurisdiction over the person of CHINA EASTERN.

**AS AND FOR A THIRD
AFFIRMATIVE DEFENSE**

64. The Court lacks subject matter jurisdiction.

**AS AND FOR A FOURTH
AFFIRMATIVE DEFENSE**

65. Plaintiff's claims are barred by the relevant statute of limitations set forth by federal and Massachusetts law.

**AS AND FOR A FIFTH
AFFIRMATIVE DEFENSE**

66. Plaintiff fails to meet the heightened pleading requirements of Federal Rule of Civil Procedure 9(b).

WHEREFORE, defendant CHINA EASTERN demands judgment dismissing the Complaint in its entirety or, alternatively, judgment limiting their liability pursuant to the foregoing, together with costs and disbursements.

Dated: February 17, 2006

Respectfully submitted,

/s/ Kathleen M. Guilfoyle
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Attorneys for Defendants
China Eastern Airlines Company Ltd.

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 17, 2006.

By: /s/ Kathleen M. Guilfoyle

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